IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

WEDNESDAY, THE 3RD JANUARY 2007 / 13TH PAUSHA 1928

MFA.No. 1341 of 2002()

WCC.182/1994 OF THE COURT OF COMMISSIONER FOR WORKMEN'S COMPENSATION.

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APPELLANT/ APPLICANT:

SEBASTIAN, S/O. MATHEW,
AMBALATHARA HOUSE, POROOR, KATTIMOOLA P.O.,
WAYANAD.

BY ADV. SRI. KALEESWARAM RAJ

RESPONDENTS/ OPPOSITE PARTIES:

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1. THE EXECUTIVE ENGINEER,
KERALA STATE ELECTRICITY BOARD, KALPETTA.

2. THE DEPUTY CHIEF ENGINEER,
KERALA STATE ELECTRICITY BOARD, KOZHIKODE.

3. THE NEW INDIA ASSURANCE COMPANY LTD.,
M.G.T.BUILDINGS, KALPETTA NORTH P.O., WAYANAD.

R1 & R2 BY ADV. SRI.N.D.PREMACHANDRAN, SC, KSEB
AND SRI.C.K.KARUNAKARAN, SC FOR KSEB
R3 BY ADV. SRI.VPK.PANICKER

THIS MISC. FIRST APPEAL HAVING BEEN FINALLY HEARD ON 03/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.T. SANKARAN, J.

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M.F.A. NO. 1341 OF 2002

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Dated this the 3rd January, 2007

J U D G M E N T

The petitioner who was the applicant before the Commissioner for Workmen's Compensation challenges the judgment of the Commissioner. It is contended that interest was granted as per the judgment, but in the last paragraph of the judgment, the respondents were made liable to pay interest only in case of default of payment within 30 days from the date of receipt of a copy of the judgment. This contention is factually incorrect. The Commissioner found that the appellant is entitled to get compensation of Rs. 6,297.60/- . It was also held that that appellant is entitled to get interest on the compensation amount at the rate of 12% per annum from the date of occurrence of the accident to the date of the order of the Commissioner, i.e. from 22.02.1992 to 12.06.2001. Interest was also calculated and it was found that the interest payable till 12.06.2001 was Rs. 6,990.78/- . Thus the total amount was arrived at by the Commissioner at Rs. 13,289/-. In the last paragraph of the judgment, the Commissioner

directed the opposite parties 1 and 2 to pay a sum of Rs.13,289/- within a period of 30 days from the date of receipt of the order. It was also stated that if default is committed, the amount will be recovered by resorting to revenue recovery proceedings to realise the amount with 12% interest from the date of default. Therefore it cannot be said that interest was not awarded in favour of the appellant.

2. Learned counsel for the respondent submitted that no substantial question of law is involved and no such substantial question of law is raised in the memorandum of appeal. The contentions raised by the appellant do not involve any substantial question of law. There is no ground warranting interference in the appeal.

M.F.A. is accordingly dismissed.

K.T. SANKARAN,
JUDGE.

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K.T. SANKARAN, J.

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M.F.A. No. 1341 OF 2002

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Dated this the 3rd January, 2007

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